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Supreme Court, U.S.
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Case No.

IN THE

Supreme Court of the United States

ANTHONY MARTINI and ANNETTE MARTINI
Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Solicitor General of the
United States,
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20530-0001
Respondent

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QUESTIONS

Questions 1 – 18 Relate to "Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954."

1. Did the United States violate "THE CONVENTION RELATING TO THE STATUS OF REFUGEES, 189 U.N.T.S. 150, entered into force April 22, 1954, in ARTICLE 3 - NON-DISCRIMINATION" against the Petitioners Anthony Martini and Annette Martini?

2. Did the United States violate "ARTICLE 16 - ACCESS TO COURTS - PARAGRAPH 1, 2 & 3" against the Petitioners Anthony Martini and Annette Martini?

3. Did the United States violate "ARTICLE 32 - EXPULSION Paragraph 1 & 2 against the Petitioners Anthony Martini and Annette Martini?

4. Did the United States violate "Article 7. - Exemption from reciprocity" parg. (1),(2),(3),(4)

and (5) against the Petitioners Anthony Martini and Annette Martini?

5. Did the United States violate "Article 16. - Access to courts" parg. (1), (2) and (3) against the Petitioners Anthony Martini and Annette Martini?

6. Did the United States violate "Article 18. - Self-employment" against the Petitioners Anthony Martini and Annette Martini?

7. Did the United States violate "Article 21. – Housing" against the Petitioners Anthony Martini and Annette Martini?

8. Did the United States violate "Article 23. - Public relief" " against the Petitioners Anthony Martini and Annette Martini?

9. Did the United States violate "Article 24. - Labor legislation and social security parg. (ii) against the Petitioners Anthony Martini and Annette Martini?

10. Did the United States violate "Article 27. - Identity papers" against the Petitioners Anthony Martini and Annette Martini?

11. Did the United States violate "Article 28. Parg. (1) and (2) - Travel documents" against the Petitioners Anthony Martini and Annette Martini?

12. Did the United States violate "Article 29. Parg. (1) and (2) - Fiscal charges" against the Petitioners Anthony Martini and Annette Martini?

13. Did the United States violate "Article 32. – Expulsion parg. (1) and (2) against the Petitioners Anthony Martini and Annette Martini?

14. Did the Court of Appeals for the Ninth Circuit violate "Article 32. – Expulsion parg. (2) against the Petitioners Anthony Martini and Annette Martini?

15. Did the U.S. Immigration Court violate ""Article 32. – Expulsion parg. (1) and (2) against the Petitioners Anthony Martini and Annette Martini?

16. Is the U.S. Immigration and the United States of America violating "Article 33. Parg (1) - Prohibition of expulsion or return ("refoulement")

17. against the Petitioners Anthony Martini and Annette Martini?

18. Did the United States violate "Article 34. - against the Petitioners Anthony Martini and Annette Martini?

19. Did the United States violate "Article 35. - Co-operation of the national authorities with the United Nations 2 (a) against the Petitioners Anthony Martini and Annette Martini and thousands of other Political Refugees?

20. Does a Political Refugee have the legal right for Due Process and have an Attorney paid by the Tax Payer when a Political Refugee cannot afford an Attorney?

21. Does a Political Refugee who is in False Removal Proceeding or Removal Proceeding have a legal right to be tried by a Jury since the Charge is Federal?

22. Does a Political Refugee have a legal right to have his/her case heard before a U.S. District Court with respect to being in Removal Proceedings or False Removal Proceedings?

23. Did the United States violate the Petitioners Anthony Martini and Annette Martini rights "by not supplying the Bare Necessities of Life which includes, water, food, shelter, clothing, and financial aid" according to the United Nations "Convention relating to the Status of Refugees, 189 U.N.T.S. 150, *entered into force* April 22, 1954." Since the United States had full knowledge that the Petitioners were destitute?

24. Did the United States DISCRIMINATE against other Political Refugees with respect to one group being the Cubans when the United States passed the "Cuban Adjustment Act (CAA), Public Law 89-732"?

25. Did the United States and its employees' willful violations of the International Laws and the United Nations Laws infringe on the Petitioners who are Lawful Political Refugees' right to be free?

26. Did the U.S. Attorney Generals willfully violate The Petitioners Rights by not arresting all involved in the False Removal Proceedings when they had full knowledge that a crime is being committed?

27. Did the U.S. Attorney Generals obstruct justice by looking the other way when a crime was being committed against the Petitioners?

28. Did the United States violate all International Laws and United Nations laws against the Petitioners by NOT supplying the Petitioners with the Bare Necessities of Life which includes, shelter, food, water, clothing, Medical Attention and Financial Aid especially when the Petitioners are Political Refugees?

29. Did the United States violate the Petitioners rights "right to liberty" - the right to be free human right - (law) any basic right or freedom to which all human
beings are entitled and in whose exercise a government may not interfere (including rights to life and liberty as well as freedom of thought and expression and equality before the law)" by leaving the Petitioners Stateless from July 24, 2002 to current date?

30. Is the United States GUILTY of using third party companies like AT&T to conduct Illegal Wire Taps on the Petitioners phone lines from 2004 to the current date and preventing the Petitioner

from communicating with his clients that are Attorneys?

31. Is the United States GUILTY by using third party companies by using GODADDY.COM and other Internet Domain Registrars and Hosting Companies to Attack the Petitioners websites, defacing the Petitioners Websites and stopping the Petitioners from making any money on the Internet?

32. Is the United States and All of its Agencies and all of its Employees IMMUNE from any lawsuits or complaints in the United States District Courts?

33. Does the United States and Congress have the legal right to give IMMUNITY to 40 Million Illegal Aliens that broke all United States Laws and U.S.

34. Immigration Laws and award criminal behavior with a path to citizenship and ignore the lawful immigrants and lawful Political Refugees and go against the United States Citizens of the Majority?

35. Does the United States of America have the legal right to place legal immigrants and legal political refugees in False Removal Proceedings or

36. Removal Proceedings to send the legal immigrants or Political Refugees to their deaths or executions when the Legal Immigrants or Political Refugees did not break any United States Laws or U.S. Immigration Laws?

37. Does the United States or its Federal Agencies have the legal right to play with legal Political

38. Refugees files and enter lies in their files to obstruct justice to start false removal proceedings?

39. Does the United States Court of Appeals for the Ninth Circuit Court have Jurisdiction to hear a FINAL Order from the B.I.A that dismissed an Immigration Judge Order that gave the Petitioners their U.S. Citizenship where the B.I.A. ordered the United States to start Removal Proceedings all over again and to add additional false charges?

40. Does the United States Court of Appeals for the Ninth Circuit Court of Appeals have legal Authority to assign an Appeal to Paralegals and allow Paralegals to handle all Appeals from Pro-Se instead of a Panel of Three Judges?

41. Does the Judges at the United States Court of Appeals for the Ninth Circuit Court of Appeals have the legal right NOT to sign any Orders?

42. Does the United States Constitution protect the Petitioners who are Political Refugees and who entered the United States the legal way?

43. Does the United States have the legal right to allow its Federal Employees to continue Persecuting and Torturing the Petitioners or any Political Refugees that have not broken any U.S. Laws or any U.S. Immigration Laws and continue placing lies on the Petitioners or lawful Political Refugees Immigration Files in its Territories?

44. Does the United States have a Legal Right to charge Political Refugees a fee to have the right to legally work every year in the United States when it does not charge its Citizens a fee to work and does the United States have a legal right to double or Triple the Fee to Political Refugees each year to have the right to legally work in the United States with an E.A.D. Card – Employment Authorization Card especially when a Political Refugee cannot afford such a great expense?

45. Does the United States have a legal right to refuse to renew a Political Refugee E.A.D. Card when a Political Refugee does not have the funds to renew or pay for their E.A.D. Card?

46. Does an Immigration Judge have a Legal Duty to remain on a case after he/she was sued in a U.S. District Court and after the Immigration Judge received two motions and letters for him/her to recuse themselves from the Petitioners case when the Petitioners have lost all faith in the Immigration Judge that is full of corruption and obstructed justice by lying on the edited tapes?

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TABLE OF AUTHORITIES

The "Double Jeopardy Clause" of the Fifth Amendment states: "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb." See "Benton v. Maryland" The U.S. Supreme Court held that the Fifth Amendment's double jeopardy provision is incorporated in the fourteenth amendment and applies to the states as well as the federal government (see Incorporation Doctrine)

The Fifth Amendment to the U.S. Constitution provides that no person shall "be subject for the same offence to be twice put in jeopardy of life or limb." This provision is known as double jeopardy clause. It protects individuals against repeated prosecution by the Government for a single alleged crime. In Benton v. Maryland (1969), the U.S. Supreme Court decided that the Fifth Amendment's double jeopardy clause is incorporated by the due process clause of the 14th Amendment and thereby applicable to the states.

The double jeopardy clause protects an individual in three ways. First, it protects a person from being prosecuted a second time for the same offence after being declared innocent of this offence.

Second, it protects a person from a second prosecution for the same crime afterconviction for this offence. Third, in addition to prohibiting more than one prosecution, the double jeopardy clause protects an individual from being punished more than once for the same crime.

The great importance of double jeopardy clause of the Constitution was emphasized by Justice Hugo L. Black in Green v. United States (1957): "The underlying idea... is that the State with all its reSources and power should not be allowed to make repeated attempts to convict an individual for an alleged offence, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity; as well as enhancing the possibility that even though innocent he may be found guilty."

The concept of double jeopardy is one of the oldest in Western civilization. In 355 B.C. Athenian statesman Demosthenes said, "[T]he law forbids the same man to be tried twice on the same issue." The Romans codified this principle in the Digest of Justinian I in A.D. 533. The principle also survived the Dark Ages (A.D. 400-1066), notwithstanding the deterioration of other Greco-Roman legal traditions, through canon law and the teachings of early Christian writers.

In England, the protection against double jeopardy was considered "a universal maxim of the

common law" (United States v. Wilson, 420 U.S. 332, 340, 95 S. Ct.1013, 1020, 43 L. Ed. 2d 232 [1975]) and was embraced by eminent jurists Henry de Bracton (1250), Sir Edward Coke (1628), Sir Matthew Hale (1736), and Sir William Blackstone (1769). Nonetheless, the English double jeopardy doctrine was extremely narrow. It was offered only to defendants accused of capitol felonies, and applied only after conviction or acquittal. It did not apply to cases dismissed prior to final judgment, and was not immune from flagrant abuse by the Crown.

The American colonists, who were intimately familiar with Coke, Blackstone, and the machinations of the Crown, expanded the protection against double jeopardy, making it applicable to all crimes. Yet James Madison's original draft of the Double Jeopardy Clause was perceived by some as too broad. It provided, "No person shall be subject ... to more than one punishment or one trial for the same offense" (emphasis added) (United States v. Halper, 490 U.S. 435, 440, 109 S. Ct. 1892, 1897 104 L. Ed. 2d 487 [1989]). Several House members objected to this wording, arguing it could be misconstrued to prevent defendants from seeking a second trial on appeal following conviction. Although the language was later amended by the Senate to address this concern, the final version ratified by the states left other questions for judicial interpretation.

XVI

OPINIONS BELOW

The Opinions of the United States Court of Appeals for the Ninth Circuit has NOT been published in this case.

The United States Court of Appeals for the Ninth Circuit has indicated time and time again to the Petitioners Anthony Martini and / or Annette Martini that "THEY DO NOT HAVE JURISDICTION" to hear any of the Petitioners Appeals no matter if the Appeal was from the U.S. District Court or from the B.I.A. – Board of Immigration Appeals.

The United States Court of Appeals for the Ninth Circuit Court has violated the Petitioners Rights for legal process because all of the Petitioners Appeals are handled by Paralegals and NOT by a Panel of Three Judges.

JURISDICTION

The date on which the United States Court of Appeals decided my case was FEBRUARY 25, 2009.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the

following date: MAY 1, 2009, and a copy of the order denying rehearing appears at Appendix "B" .

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF CASE

The Petitioners Anthony Martini and Annette Martini are facing their SECOND FALSE REMOVAL PROCEEDINGS from the United States of America from a handful of Corrupt Government Employees at the U. S. Homeland Security while the Petitioners are still appealing their First Removal Proceedings.

The Petitioners are Political Refugees who never broke any U.S. Laws or U.S. Immigration Laws of any kind.

The Petitioners were given permission to legally enter the United States from the White House, President George W. Bush, U.S. Attorney General John Ashcroft and the former I.N.S.

The Petitioners are facing "TRIPLE DOUBLE JEOPARDY" with the U.S. Homeland Security and

the U.S. Immigration Court, in Los Angeles, California.

The Petitioners are appealing the Final Order from the United States Court of Appeals for The Ninth Circuit indicating that the Ninth Circuit Does Not Have Jurisdiction to hear the Final Order from the B.I.A. that heard an appeal from the U.S. Attorneys who appealed the "IJ" order that Granted the Petitioners Motion To Terminate the First False Removal Proceedings and Granted the Petitioners and their four daughters Immediate American Citizenship. The Ninth Circuit order stipulated that they did not have jurisdiction to hear the Petitioners Motion contesting that the "IJ" Order was thrown out.

The Ninth Circuit refused to hear the Petitioners Motions and to reinstate the Case and refused to wait for a brief from the Petitioners and the Appeals were NEVER heard by a Panel of Three Judges but only by Paralegals.

REASONS FOR GRANTING THE PETITION

The Petitioners have totally exhausted all Administrative Procedures including contacting two Presidents of the United States of America, two Vice-Presidents of the United States, four U.S. Attorney

Generals, one Acting U.S. Attorney General, two Secretaries of State, three Secretaries of U.S. Homeland Security, two Commissioners of the former I.N.S., two Appeals to the B.I.A., two Appeals to the United States Court of Appeals for the Ninth Circuit, one to re-open the Case at the United States Court of Appeals for the Ninth Circuit, three Lawsuits/Complaints filed at the U.S. District Courts in Santa Ana, California and the Second False Removal Proceedings is still continuing for July 14, 2009 at the U.S. Immigration Court located in Los Angeles, California.

The Petitioners sent a letter to "IJ" Judge William Joseph Martin Jr., from the U.S Immigration Court located in Los Angeles, California on Monday, March 31, 2008 for the Presiding Judge to recuse himself for editing tapes, placing lies on the tapes including written lies and the Presiding Judge ignored the letter to recuse himself.

The Petitioners filed a Lawsuit against the Presiding Judge and others in December 4, 2007.

The Petitioners filed a Motion for the Presiding Judge to immediately step down from the Petitioners files and Case on Tuesday, April 28, 2009.

The Presiding Judge signed an Order June 17, 2009 indicating that he is refusing to recuse himself from the Petitioners files and Case and denied the Petitioners Motion for the "IJ" to recuse himself as the Petitioner Anthony Martini was advised by telephone on Thursday, June 18, 2009. However, the Petitioners do not have a copy of this Order as of this current date.

The Petitioners never broke any United States Laws or U.S. Immigration Laws.

The Petitioners are POLITICAL REFUGEES and voluntarily surrendered their Canadian Citizenship and all rights to be a Canadian in late 2001.

The Petitioners Anthony Martini and Annette Martini have been STATELESS with NO Country they can call home since late 2001 and the Petitioners have NO Flag to salute to since late 2001.

The Petitioner Anthony Martini received numerous Murder Attempts on his life in Canada for over twenty-five years including numerous Contracts placed on his life.

The Petitioner Anthony Martini suffered such great atrocities for over twenty-five years in Canada that the page limit does not allow the Petitioner to go in such horrendous details. The Petitioner Anthony Martini has numerous broken bones,

severely damaged back, two brain tumors, lost of partial vision and still suffers long term memory lost along with numerous scars on his body which includes several cracks in his scull.

The Petitioner Annette Martini was Politically Persecuted for many years in Canada after she married the Petitioner Anthony Martini.

THE PETITIONERS ARE NOT CANADIAN CITIZENS and if the United States Supreme Court does not immediately step in then the Petitioners Anthony Martini and Annette Martini are going to be FALSELY and ILLEGALLY kicked out of the United States of America and sent to their illegal EXECUTION in Canada and the Petitioners will be immediately MURDERED upon their arrival on Canadian Soil in less than 24 hours.

The Petitioners four daughters who are still stranded in Canada are in grave danger of being murdered if the Petitioners do not immediately bring them to the United States of America.

The Petitioner Anthony Martini received numerous threats that when the Petitioner's ONLY surviving daughter reaches the Legal Age she will be MURDERED by the Canadian Government, Canadian Politicians and the Canadian Police Agencies and she has reached that Legal Age.

The Petitioner Annette Martini' three daughters are in grave danger of being MURDERED by the Canadian Government, Canadian Politicians and by the Canadian Police Agencies because the Petitioner Annette Martini married the Petitioner Anthony Martini.

The Petitioners are NOT a threat to the United States of America or its people.

The Petitioners have been searching for Freedom and have not found Freedom as of yet because the Petitioners are STILL in False Removal Proceedings although the Petitioners have NEVER violated any Laws here in the United States of America or U.S. Immigration Laws.

The Petitioners are LAW ABIDING individuals, honest, compassionate and are great assets to the United States of America if the Petitioners were given an opportunity of being an American Citizen.

According to the "IJ" Judge's Order, Judge William Joseph Martin Jr., Order that was dated March 31, 2008 the Judge GRANTED the Petitioners' Motion in FULL.

Therefore, the Presiding Judge GRANTED the Petitioners' U.S. Citizenship along with their four daughters only because the Petitioners filed a Lawsuit against Judge William Joseph Martin Jr.

along with others. The Presiding Judge is on a WITCH HUNT and is out for FULL DESTRUCTION against the Petitioners. Even if the Presiding Judge is going to OBSTRUCT JUSTICE he will do so at all cost to illegally kick out two Legal Political Refugees that are here in the United States of America for his own personal and criminal gains and now the "IJ" is revoking the Petitioners U.S. Citizenship.

According to the U.S. Immigration Court in Orlando, Florida the Clerk of the Court told the Petitioner Anthony Martini that he and his wife Annette Martini are in Removal Proceedings because they entered through the Port of Entry of Miami, Florida by plane on a Visa and they overstayed their Visa. This is LIE number ONE.

LIE number TWO, the Petitioners received a charge sheet from U.S.C.I.S., in Miami, Florida indicating that the P.O.E. was UNKNOWN.

LIE number THREE, after the Petitioners proved through a Motion and Exhibits that the U.S. Government always knew the Port of Entry of the Petitioners then the U.S. Government Attorneys preceded with LIE number THREE charging the Petitioners with a STATEMENT that reads as follows: "YOU ENTERED ON OR ABOUT JULY 24, 2002 THROUGH THE P.O.E. OF PLATTSBURGH, N.Y."

On all documents that were filed the Petitioners always mentioned the P.O.E. was Plattsburgh, New York, time of entry and date of entry of July 24, 2002.

The NEWEST LIE from the U.S. Government Attorney James Michael Left is now accusing the Petitioners of being STOWEAWAYS as of June 11, 2009. However, the Petitioners have not yet been charged with the new false charge OR have not seen any additional charges.

The Petitioners FEAR for their safety of being MURDERED if they are ever returned back to Canada, a Country that they no longer have Citizenship to since late 2001.

The Petitioners are PRAYING that the United States Supreme Court ACCEPTS this APPEAL and STOPS all Removal Proceedings from the U.S. Immigration Court located in Los Angeles, California and allow the Petitioners the opportunity and the Legal Right to proceed to the Highest Court of the United States of America.

The Petitioners are PRAYING that the United States Supreme Court will see that the Petitioners are being Politically persecuted and that a handful of corrupt Government Employees have played with the Petitioners files and placed lies in their files through Government Computers and continue to do so to fraudulently and illegally have the Petitioners

kicked out of the United States of America to have them murdered for revenge because of articles posted on the Petitioners website of www.AnnetteMartini.US.

The Petitioners are PRAYING that the United States Supreme Court will see that all involved have brought grave DISCREDIT to the Immigration Courts and to the whole Legal System.

HISTORY

The Petitioners Anthony Martini and Annette Martini were Canadian Citizens.

The Petitioner Anthony Martini was born in Italy and went to Canada with his Adopted Parents when he was 4 years old and became a Canadian Citizen around 5-6 years old.

The Petitioner Annette Martini was born in Canada.

The Petitioner Anthony Martini has a University Degree in Computer Science, Business Administration, Political Science, studied LAW at a University for 4 years, a former Private Investigator, Freelance Reporter, Retired Colonel who worked in the Intelligence Section and Pilot in the Canadian Armed Forces who flew F15 and F18.

The Petitioner Anthony Martini is a Professional Photographer, a Freelance Writer, a Computer Expert who develops High Security Software Applications, Hardware for Government Institutions and Government Agencies, an Entrepreneur since 16 years old who owned over 27 Major Corporations and was Founder and C.E.O. / President of a Missing Children Organization in Canada.

The Petitioner Annette Martini is a Singer taking12 years of Professional Classical Voice Training, writes her own Lyrics to her own music, Professional Writer, Poet, Artist, Professional Photographer and taught classical music as a Piano Teacher to students of all ages for over 17 years.

The Petitioner Anthony Martini wrote Articles for many years exposing corruption from the Royal Canadian Mounted Police hereon referred to as the R.C.M.P., exposing the Drug Trade the R.C.M.P. members were involved with and exposed Politicians and Government employees that were receiving Kick Backs, Bribes etc.

The Petitioner Anthony Martini became a TARGET of a WITCH HUNT by Politicians in Canada who Politically Persecuted the Petitioner for over 25 years because of his Articles, making sure he became a TARGET of the R.C.M.P. and other Police Agencies for over 25 years of his life by being PHYSICALLY TORTURED receiving numerous Murder Attempts on his life.

The Petitioner Anthony Martini witnessed a COLD EXECUTION done by three members of the R.C.M.P. and the Petitioner had a Contract placed on his life by the R.C.M.P.

The Petitioner Anthony Martini discovered in the early 90's that the R.C.M.P. were shipping massive COCAINE and other street drugs to the

United States of America and around the World using Diplomatic Bags and Diplomatic Cargo. The Commissioner of the R.C.M.P. in charge of all R.C.M.P. Members was personally involved with the Columbian and Mexican Drug Cartels.

The Petitioner Anthony Martini forwarded his investigation work to the F.B.I. in the United States.

On or about February 1993 the F.B.I. went from the United States to Canada to question the Commissioner of the R.C.M.P. for his personal involvement with the Drug Cartels. When the Commissioner of the R.C.M.P. discovered the F.B.I. landed in Canada he went into his office at the R.C.M.P. Headquarters, took his revolver and blew his brains out.

The new Commissioner of the R.C.M.P was also involved in the Drug Cartel and issued another contract on the Petitioner Anthony Martini's life.

The Petitioner Anthony Martini saw three contracts on his head that read as follows: "KILL MARTINI BUT MAKE SURE THAT IT LOOKS LIKE AN ACCIDENT. HE KNOWS TOO MUCH ABOUT OUR BUSINESS."

The other Contract was from a Mayor that was sent to the Chief of Police that read as follows: "KILL MARTINI AT ALL COSTS AND MAKE SURE TIIAT IT LOOKS LIKE AN ACCIDENT."

The Third Contract was from the Prime Minister of Canada to the R.C.M.P. Commissioner that read as follows: "MARTINI HAS DONE GRAVE DAMAGE TO THE POLITICIANS IN CANADA AND HE MUST BE IMMEDIATELY DESTROYED AND ELIMINATED AND KILLED BUT MAKE SURE THAT THIS LOOKS LIKE AN ACCIDENT AND NO INVESTIGATIONS ARE DONE IN HIS DEATH."

In 1993 the Petitioner Anthony Martini was asked to work on the R.C.M.P. Main Frame in Canada by an acquaintance of his an active R.C.M.P. Member and the Petitioner discovered the R.C.M.P. were shipping massive drugs to the United States of America and World Wide.

The Petitioner Anthony Martini had his 27 Major Corporations destroyed and Stolen by the Canadian Government and Canadian Police including his homes, cars and monies in his Personal and Business Accounts.

The Petitioner Anthony Martini was beaten up and attacked by the Canadian Police Agencies on a weekly basis and towards the end almost on a daily basis.

The Petitioner Anthony Martini had his first daughter kidnapped in 1991 at 15 Months old with the assistance of the Canadian Police Agency.

The Petitioner Anthony Martini Adopted Mother was MURDERED in 1995 by the Police Agencies.

The Petitioner Anthony Martini was left permanently DISABLED by a Murder Attempt on his life in 1995 leaving him with 2 Brain Tumors, Broken Bones, left ear severely damaged, long term memory loss, broken ribs, loss of a percentage of his vision, severe back damage.

The Petitioner Anthony Martini had his second daughter kidnapped in 1996 at 13 Months old with the assistance of the Canadian Police Agency and MURDERED at 17 Months old in 1997 by the Canadian Police Agencies.

When the Petitioner Anthony Martini legally married the Petitioner Annette Martini she became the subject of Political Persecution, Political Torture including her monies in her Business, Personal accounts, homes, properties stolen, two Construction Companies destroyed.

The Petitioners had all of their personal possessions stolen by the R.C.M.P. in 2001.

The Petitioners lived underground in Canada for nearly 2 years, slept on the Floor, only the clothes on their backs and survived on water and bread.

In late 2001 the Petitioners Anthony Martini and Annette Martini voluntarily surrendered their

Canadian Citizenship and all rights of being a Canadian.

On February 28, 2002 the Petitioners sent a fax to President George W. Bush asking for a GREEN LIGHT and permission to legally enter the United States of America.

On March 2, 2002, the Petitioners sent a registered letter from Plattsburgh, New York to President George W. Bush and the U.S. Attorney General John Ashcroft begging for Permission and a Green Light.

The Petitioner Anthony Martini was working on a High Security System that would protect the United States of America against any Terrorist Attacks and protect the Borders by Land, Sea and Air and going to give this High Security System to the United States of America for FREE in exchange for the Petitioners receiving Legal Permission to enter, Immediate American Citizenship, housing and financial help.

The Petitioners received a letter from the U.S. Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC, 20536 acknowledging the Petitioners Security System. This letter was dated April 17, 2002 and did not mention "THE GREEN LIGHT" or opposing the "GREEN LIGHT" or did NOT deny permission to the Petitioners.

The Petitioners sent numerous letters by United States Priority Mail in Plattsburgh, New York and Faxes to The White House and the U.S. Department of Justice from February 28, 2002 to Mid July 2002 begging for permission to enter the United States of America and assistance once the Petitioners fled to the United States of America legally.

The Petitioners Anthony Martini and Annette Martini in July 2002 were chased on a highway by 5 unmarked R.C.M.P. Cruisers trying to murder the Petitioners.

The Petitioners Anthony Martini and Annette Martini sent another Emergency letter to President George W. Bush and to the U.S. Attorney General John Ashcroft at the U.S. Department of Justice begging for a "GREEN LIGHT" to legally enter the United States.

The Petitioners drove over to the United States Border every week in Plattsburgh, New York to check their mail hoping to receive a Response from President George W. Bush and the U.S. Attorney General John Ashcroft.

The Petitioners wrote a final letter sending it via Fax to President George W. Bush and the U.S. Attorney General John Ashcroft begging for Emergency Help, a Green Light and Permission to Legally enter the United States.

The Petitioners went across to the United States of America in Mid July 2002 spoke to the Supervisor and Border Crossing Agent at Plattsburgh, New York with respect to filing Political Asylum. The Petitioners only had one piece of ID which was their Drivers License Photocopied by the Supervisor of the former I.N.S. who had knowledge of the Petitioners Emergency Situation. The Supervisor of the I.N.S. photocopied the Petitioners Drivers License as he was instructed by the White House and the U.S. Department of Justice to give photocopies of the Petitioners Canadian Drivers License to the F.B.I. to conduct a Background check on the Petitioners.

The Petitioners whose lives were at high risk of being murdered in Canada could not wait any longer and sent an Emergency Fax to the White House and U.S. Department of Justice indicating they had to immediately legally enter the United States.

The Petitioners Anthony Martini and Annette Martini were inspected by two agents on Wednesday, July 24, 2002 between 11:30 am - 11:35 am and were admitted to the United States after inspection by the two agents.

The Petitioners sent an Emergency Fax on Wednesday, July 24, 2002 around 4:00 PM to the White House and the U.S. Department of Justice giving the Petitioners Motel Name where they were staying for one night, the motel room number, the

Motel address, the Motel Phone Number, the Motel Fax Number, Make of their Car, Year of their Car, Car License Plate again begging for Emergency Help staying until 4:00 PM on July 25, 2002 outside the Motel after checking out at 11:00 AM waiting for someone from the U.S. Government or any Agency to show up and assist the Petitioners but no one showed up.

On Monday, July 29, 2002 at 6:01 PM the Petitioners sent an Emergency Fax to President George W. Bush from Kinko's 317 Pennsylvania Ave., South East, Washington, DC, 20003 about two blocks away from The White House again begging for help.

The Petitioners had NO SHELTER and were forced to sleep in their Car on the corner of 3 ST. S.E. and Pennsylvania Ave. in Washington, D.C. with no food. The Petitioners gave the President George W. Bush their Car color, Make of their Car and License Plate number and waited outside in the heat drinking water beside their Car at Starbucks Coffee Shop but no help was given.

On Monday, July 29, 2002 The Petitioners went to the I.N.S. in Washington, D.C. and were advised to go to the I.N.S. Office in Arlington, Virginia. The Petitioners went to the I.N.S. in Arlington, Virginia filling out the Proper Papers waiting for 6 hours to meet with an I.N.S. Agent. The Petitioners met the Assistant Director at the

I.N.S. After a few minutes in his Office the Assistant Director threw the Application hitting the Petitioner Anthony Martini in the face laughing at the Petitioners because of their Country of Origin which was Canada.

The Petitioners were ridiculed because of their Country of Origin which was Canada and turned away by the F.B.I. and the U.S. Marshals offices.

The Petitioners went to the U.S. Department of Justice at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 on or about Tuesday, July 30, 2002 to speak to the U.S. Attorney General John Ashcroft and were transferred for over 4 hours from one Government Employee to another who were extremely arrogant, hostile and obnoxiously rude.

The Petitioners stayed in Washington D.C. for 9 days with no shelter, no emergency help, no food or assistance not even the bare necessities to sustain life which is water, food, shelter, emergency medical treatment and financial assistance that is required by the United Nations to other Countries pertaining to Political Refugees.

The Petitioners knew they were not going to get any emergency assistance and drove to Venice, Florida not to freeze in the winter going to all local Government Agencies, churches, Police Departments and were denied the bare necessities of life because

they were not Cubans or Mexicans as they were told and forced to take showers outside every day at a beach in Venice, Florida because the Petitioners had no home.

The Petitioners sent an emergency fax to President George W. Bush and to Governor Jeb Bush in early August 2002 again begging for emergency assistance. No emergency help was ever given by the United States or the State of Florida.

The Petitioners sent an emergency fax to the White House and to the U.S. Department of Justice in September 2003 asking for assistance with the INS.

The Petitioners filled out Form I-589 Application for Asylum and Withholding of Removal mailing it off to the INS in Mesquite, Texas in early September 2002.The I-589 Application was sent back 4 times because the Category was left out and the Petitioners did not know what Category they were under.

The Petitioners sent a Fax to the White House and the DOJ to intervene with the INS.

In December 2002 the Petitioners sent an emergency Fax to President George W. Bush and the U.S. Attorney General John Ashcroft demanding an emergency meeting between the Petitioners and the INS. addressing Human Rights Abuse from U.S.

Government Agencies and ill treatment here in the United States.

In late December 2002 the Petitioners received a letter for an emergency meeting to be held at the INS in Miami, Florida on January 23, 2003 witnessing every person that met an INS Agent coming out with a Check in their hand.

The Petitioner Anthony Martini spoke to an INS Agent for 1 hour with the Petitioner Annette Martini being present and supplied CLASSIFIED Documents to the INS Agent. The Petitioners both supplied EVIDENCE of the Port of Entry of Plattsburgh, New York on July 24, 2002 to prove the Port of Entry during that meeting with the INS Agent on January 23, 2003, providing communications sent to the White House, the D.O.J. to the INS Agent. The INS Agent made copies of all communications and Evidence of the Port of Entry and the Petitioner Anthony Martini was advised by the INS Agent that her Supervisor ORDERED her to SEAL the Petitioners' Political Asylum and File and immediately send the files over to the U.S. State Department.

The Petitioners left the meeting without any check in their hand, no Government assistance of any kind even though the INS Agent knew the Petitioners were LIVING, SLEEPING in their car and had NO MONEY for Food NOT being permitted

to work in the United States for any Employer, but the I.N.S. did NOT help.

On Monday, April 21, 2003 the Petitioners sent an emergency Fax to President George W. Bush and U.S. Attorney General John Ashcroft with respect to the Petitioner Anthony Martini' Attorney who stole the Petitioner's Computer, Hard Drives, Intellectual Property, Novels of the Petitioners etc and Proof that properties were owned by the Petitioner.

The Petitioner demanded the Department of Justice and the President to intervene before something drastic happens to the Petitioners because according to the United Nations the Petitioners who are Political Refugees are the sole Jurisdiction of the Leader of the Country and the Attorney General. The Petitioners communicated at all times with the President of the United States of America and the U.S. Attorney General because the International Law and the United Nations Law pertaining to Political Refugees instruct this.

The Petitioner Anthony Martini' Attorney who stole the Petitioner Anthony Martini Computer Hard Ware, Intellectual Property etc., knew that the Petitioners filed seven Police Reports against the Attorney. The Attorney decided to contact his friends at the Sarasota Police Department making a False Report indicating that the Petitioners stole his computer, his software and his hard drives which

resulted in the Petitioners being immediately falsely arrested at the Sarasota Sheriffs' Office while the Petitioner were filing their 8th complaint against the Petitioner Anthony Martini' Attorney.

The Petitioner Anthony Martini was falsely arrested for grand theft and the Petitioner Annette Martini was falsely arrested as a Co-Defendant. The Petitioner Anthony Martini had all his Evidence in his brief case including receipts indicating that the properties in question belonged to the Petitioner Anthony Martini. The Petitioner Annette Martini had no business dealings whatsoever with her husband the Petitioner Anthony Martini' Attorney.

The Petitioner Anthony Martini was assaulted while in handcuffs by Sarasota Deputy Sheriff Michael Tapalaga for no reason receiving two severe blows to the side of his head where his brain tumors are located which could of killed the Petitioner Anthony. The Petitioner Anthony Martini received three severe blows to his injured lower back walking with a cane in handcuffs that could of crippled the Petitioner or have him end up in a wheelchair for life and had his two arms dislocated while handcuffs were placed not resisting arrest.

The Petitioner Anthony Martini spent 39 days in Solitary Confinement, denied treatment having 4 major seizures because of the severe blows to his head caused by Sarasota Deputy Michael Tapalaga

and was denied access to make a phone call to an Attorney.

The Petitioner Annette Martini spent 40 days in jail for a crime she never committed. The Petitioners could not afford bail. The Petitioner Annette Martini' bail was higher than the Petitioner Anthony Martini.

The White House, the President of the United States, U.S. Department of Justice and the U.S. Attorney General John Ashcroft knew of a crime about to happen 24 hours in advance, held the receipts in their hands but decided to obstruct Justice looking the other way allowing further persecution against two honest Political Refugees although it was their Jurisdiction from day one according to the United Nations Laws and International Laws.

The Petitioners were never charged only arrested at the Sarasota Sheriffs' Department while filing their eighth complaint against the Petitioner Anthony Martini' Attorney Victor Carl Krumm. The Case against the Petitioners was dropped and abandoned in August 2003 by the Sarasota Florida State Prosecutor Earl Moreland.

The Petitioners filed Lawsuits against the State of Florida, Charlie Crist, the Sarasota Police Department, Sarasota Sheriffs' Department, the Attorney Victor Carl Krumm and others for unlawful

confinement, kidnapping, assault, False Police Reports, police brutality, etc., in late August 2003. All Lawsuits were dismissed faster than they were filed by corrupt Judges that were members of the Good Ole Boys Network in Sarasota County Court.

In March 2004 the Petitioners received their EAD CARD – Employment Authorization Card and their U.S. Social Security Number from the U.S. Homeland Security in Washington, D.C. and from the Social Security Office in Maryland after President George W. Bush received another Fax from the Petitioners Anthony Martini and Annette Martini regarding Human Rights Abuse.

In May 2005 the Petitioners created a website at www.annettemartini.us and wrote articles about all the Political Persecution in the United States by all Government Agencies that were involved.

In June 2005 the Petitioner Anthony Martini received a threatening email from a U.S. Homeland Security Employee Edward Harris promising he would use his boys to kick the Petitioners out of the United States, use the Petitioners as his new sexual plaything and play with the Petitioners Immigration files.

On August 20, 2006 Charlie Crist now the Governor of Florida went on AnnetteMartini.US website and remained on for over 4¾ hours long. See http://www.annettemartini.us/charlieristbusted.html

In late October 2006 the Petitioners received financial help from two Americans to move from the Florida to California finally getting a small one bedroom apartment home arriving on or about October 25, 2006 immediately filing the required Documents "CHANGE OF ADDRESS" AR-11 sending it via registered mail to U.S. Homeland Security, Bureau of Citizenship and Immigration Services, 1084-1 South Laurel Road, London, KY 40744 as required by law.

On December 7th, 2006 the Petitioner Anthony Martini received additional mail from his previous address from the U.S.C.I.S. in Miami, Florida who sent the Petitioners a Charge Sheet indicating that the **P.O.E. was Unknown** and scheduled a Court Appearance before an "IJ" in Orlando, Florida to proceed in Removal Proceedings. The Charge Sheet was dated October 25, 2006 but only sent according to the Meter Stamp on November 11, 2006 but on the Charge Sheet on another page it was dated November 6, 2006.

The Petitioner Anthony Martini knew that the U.S. Department of Justice changed the Meter Stamp for other Court Documents because they were late in filing up to one month behind to obstruct Justice. The Petitioner Anthony Martini knows for a fact that the U.S.C.I.S. in Miami, Florida did the exact same thing by back dating the Meter Stamp.

The Petitioners received a ZMI Form at the same time in December 2006 to appear at the U.S.C.I.S. in Tampa, Florida in November 2006 to have fingerprints.

The Petitioners already had their fingerprints taken and photos in January 2003 at the INS in Tampa, Florida and given new photos for their EAD Cards in 2004, 2005 and 2006.

The Petitioner Anthony Martini contacted the U.S.C.I.S. Call Center and was advised that the ZMI Form was a Revolving Door to detain the Petitioners.

The Petitioners sent an Emergency Fax to President George W. Bush and U.S. Attorney General Alberto Gonzales with respect to False Removal Proceedings demanding the White House and the U.S. Attorney General immediately step in to stop the False Removal Proceedings and arrest all involved sent on Thursday, December 7th. 2006 at 9:36 AM to The White House and 3:09 PM to the U.S. Attorney General Alberto R. Gonzales.

On December 18, 2006 the Petitioners filed a MOTION - "CHANGE OF VENUE" to the U.S. Immigration Court located in Orlando, Florida heard by Judge Victoria Ghartey to Move the file and case from the U.S. Immigration Court located in Orlando, Florida to the U.S. Immigration Court located in Los Angeles, California in the Jurisdiction where the Petitioners are residing.

On January 8, 2007 the "IJ" Judge Victoria Ghartey signed an order to transfer the Petitioners files and Case to the U.S. Immigration Court located in Los Angeles, California.

On Friday, January 27, 2007 the Petitioners received a New Court Date from the Los Angeles Immigration Court to appear before Judge Martin Jr., in Los Angeles, California on February 15, 2007. Attached to the New Court Appearance was a list of Immigration Attorneys that handles PRO-BONO Cases.

The Petitioners were supposed to receive a 90 day notice required by law which was not respected by the "IJ" Judge Martin Jr., from the Los Angeles Immigration Court.

The Petitioner Anthony Martini contacted every Attorney on the List supplied by the U.S. Immigration Court. No Attorney on that list handled PRO-BONO Cases quoting from $50,000.00 for the Petitioner Anthony Martini and another $50,000.00 for the Petitioner wife Annette Martini. Other Attorneys quoted anywhere from $50,000.00 each to $1,000,000.00.

The Petitioners have no money and cannot afford an Attorney but demanded an Attorney to represent them paid by the tax payers. All demands for counsel were all rejected by the "IJ" Judge Martin Jr.

On Tuesday, January 30, 2007 the Petitioners filed a lengthy MOTION – MOTION TO TERMINATE REMOVAL PROCEEDINGS and immediately sent that Motion by Registered and Priority Mail.

The "IJ" Judge William Martin Jr., and the Opposition received the Motion on Wednesday, January 31, 2007 enough time for the Presiding Judge to grant the Petitioners Motion and notify the Petitioners before the Court Date of Thursday, February 15, 2007.

The Petitioners were ready and prepared to have their Motion – "MOTION TO TERMINATE REMOVAL PROCEEDINGS" heard required by law. The U.S. Attorney representing U.S. Homeland Security Ms. Megan Alice Berry Oshiro told the "IJ" that she could not find the files of the Petitioners. The law clearly states that when one party is not prepared for a scheduled Court date to proceed then that case is dismissed. Instead of the "IJ" dismissing the Case and Granting the Petitioners Motion the "IJ" gave a new court date violating all the Petitioners rights to a fair and speedy trial.

The U.S. Government or the U.S. Attorneys did NOT file a response to the Petitioners Motion – "MOTION TO TERMINATE FALSE REMOVAL PROCEEDINGS." Furthermore, according to Section 8 C.F.R. 3.22 and 8 C.F.R. 3.13 and 3.30 of the FEDERAL LAW it clearly indicates that the

Opposition has 10 days to respond to any filing of any Motion and to respond in FULL to point by point of the Defendant's Claim. Failure to timely respond within 10 days shall result in finding that the Motion is UNOPPOSED. Instead of dealing with the "LAW" the "IJ" ignored the law and set a new Court date for Friday, June 1, 2007.

The Petitioners filed additional papers to their MOTION – MOTION TO TERMINATE FALSE REMOVAL PROCEEDINGS on or about April 2007.

The U.S. Government and the U.S. Attorneys had enough time to respond to the Petitioners MOTION but chose NOT to respond to the Petitioners Motion of January 30, 2007 and additional evidence that was extended in the same motion on or about April 2007.

The Petitioners previously wrote a letter to the Presiding "IJ" demanding extra security in the Court because of death threats that the Petitioners received. On Friday, June 1, 2007 there was no extra security inside or outside of the Court Room.

The Petitioner Anthony Martini again demanded that since the U.S. Government and the U.S. Attorney did NOT respond to his MOTION therefore the MOTION – "MOTION TO TERMINATE REMOVAL PROCEEDINGS" should be immediately GRANTED in FULL according to Section 8 C.F.R. 3.22 and 8 C.F.R. 3.13 and 3.30 of

the FEDERAL LAW. The Presiding "IJ" became extremely hostile to the Petitioner Anthony Martini and said three times "DENIED".

The Presiding "IJ" looked at the U.S. Attorney Edward Lepkowitz and said," I BELIEVE YOU HAVE ADDITIONAL CHARGES."

The Petitioners were in shock because they did NOT break any laws in the United States.

The U.S. Government Attorney Edward Lepkowitz spent a couple of minutes searching through his thick files signed a new Charge Sheet in Court before the "IJ" and served the Petitioners in Court. The new charge now read "YOU ENTERED ON OR ABOUT JULY 24, 2002 ON OR NEAR PLATTSBURGH, N. Y."

The "IJ" demanded the Petitioners to enter a plea of Guilty or Not Guilty. The Petitioners entered a NOT GUILTY PLEA if it was a charge.

The "IJ" Judge William Joseph Martin Jr., and U.S. Government Attorney Edward Lepkowitz were both Guilty of a DISCREDIT to the U.S. Immigration Courts, to the entire Legal System and violated all due process of the Petitioners Rights.

The "IJ" Judge William Joseph Martin Jr. refused to hear the Petitioners' Motion – Motion To Terminate Removal Proceedings submitted on

January 30th, 2007 and additional filings submitted on or about April 2007.

The "IJ" refused to address the violations of the U.S. Government Attorneys who never filed a response refusing to immediately dismiss the Case against the U.S. Government for failure to respond to the Motion and for lack of evidence which violated the Petitioners Rights for a fair Trial.

The U.S. Government and the U.S Government Attorneys did not have one shred of evidence whatsoever against the Petitioners. However, the "IJ" allowed the U.S. Government Attorney to proceed with questioning the Petitioners without ever addressing the Petitioners' Motion. The Petitioners had two important Exhibits and Evidence which was the I-765 Form that was stamped several times with different dates from the U.S. Homeland Security who refused to accept the I-765 Form because under Category the Petitioners left it blank not sure what to enter. When the Category "C08" was filled out by the Petitioners it was finally accepted by the U.S. Homeland Security.

The I-765 Form was for an EAD CARD – Employment Authorization Card and on line 12 of the Petitioners Form it says Date of Last Entry into the U.S. which was July 24, 2002. On line 13 it says, Place of Last Entry into the U.S. The Petitioners Evidence says, Plattsburgh, N.Y.

The Presiding "IJ" Judge William Joseph Martin Jr. had to only examine Exhibits (T) and (U) in the Petitioners' Motion to determine that the Petitioners were always telling the truth and the U.S. Government and the U.S. Agencies and the U.S. Government Attorneys always knew what the Petitioners' P.O.E. was. The Case should have been immediately dismissed. The Presiding "IJ" continued persecuting the Petitioners because the "IJ" was either bribed, received a kickback or offered a better position by the Good Ole Boys Network.

The "IJ" asked the Petitioners to choose another Country in case of removal. The Petitioners responded, "The United States of America."

The "IJ" stopped the tape and restarted the tape and said, "Both Respondents said Canada."

The "IJ" clearly demonstrated to the Petitioners they will never get a Fair Hearing before one of the most corrupt Judges in the entire United States and demonstrated through his illegal criminal actions that he was a DISCREDIT to the Court, to the entire U.S. Immigration Courts and to the entire Legal System.

The First Charge was the "P.O.E." was "UNKNOWN." After the Petitioners proved through their Motion To Terminate Removal Proceedings that the "P.O.E." was always known to the U.S. Government and its Agencies then the U.S.

Government Attorney Edward Lepkowitz came up with a Second Charge. The Second Charge was only a statement and could never be upheld through any Legal Process which was, "You entered on or about July 24, 2002 through the Port of Entry of Plattsburgh, N.Y."

Nonetheless the First and Second Charge relates to the "P.O.E." – Port of Entry which now created a "Double Jeopardy" against the Petitioners.

The "Double Jeopardy Clause" of the Fifth Amendment states: "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb." See "Benton v. Maryland(1969),"

See: "Justice Hugo L. Black in Green v. United States (1957):"

See (United States v. Wilson, 420 U.S. 332, 340, 95 S. Ct. 1013, 1020, 43 L. Ed. 2d 232 [1975])

See: (United States v. Halper, 490 U.S. 435, 440, 109 S. Ct. 1892, 1897 104 L. Ed. 2d 487 [1989]).

As of June 1, 2007 the Petitioners Anthony Martini and Annette Martini were facing "Double Jeopardy."

On Tuesday, June 5, 2007 the Petitioners filed an Appeal to the B.I.A. – Board of Immigration Appeals not heard by a Panel of Three Judges but only by Paralegals and was quickly dismissed faster

than it was filed indicating it was not their Jurisdiction but kept the Petitioners money of $110.00 dismissing the Appeal even though they had told the Petitioner Anthony Martini beforehand that it was their Jurisdiction.

On Wednesday, August 15, 2007 the Petitioners filed an Appeal to the U.S. Court of Appeals for the Ninth Circuit Court submitting a $450.00 fee paid by a Money Order after the Petitioner Anthony Martini was told it was the Ninth Circuit Court of Appeals Jurisdiction.

The Appeal was quickly dismissed by Paralegals only and never heard by a Panel of Three Judges indicating the Ninth Circuit Court of Appeals did not have Jurisdiction to hear the Appeal from the Petitioners.

On November 5, 2007 the Petitioners filed an Appeal to the United States Supreme Court and paid a $300.00 fee by Money Order. The Appeal was sent back twice to the Petitioners from a Paralegal at the U.S. Supreme Court in Washington, D.C. The Petitioners could not afford to resend the Appeal and wrote Return to Sender on the box because everything WAS in order. They never heard anything back about the Appeal from the U.S. Supreme Court who kept the Petitioners $300.00 they had to borrow.

The Petitioners sent numerous Registered Letters and Faxes to President George W. Bush from February 28, 2002 to January 2009.

The Petitioners sent Registered Letters and Faxes to U.S. Attorney General John David Ashcroft from February 28, 2002 to approximately February 2005.

The Petitioners sent numerous Faxes and Registered Letters to the U.S. Attorney General Alberto R. Gonzales from March 2005 to approximately September 2007.

The Petitioners sent a Fax to Acting U.S. Attorney General Peter Keller approximately in October 2007.

The Petitioners sent Faxes to U.S. Attorney General Michael B. Mukasey from late November 2007 to approximately January 2009.

The Petitioners sent Faxes and Registered Letters to U.S. Attorney General Eric H. Holder Jr. from January 2009 to the current date.

The Petitioners communicated with two Presidents of the United States of America, President George W. Bush, President Barack H. Obama, four U.S. Attorney Generals and One Acting U.S. Attorney General all with respect to Human Rights Abuse against the Petitioners caused by the United States Government and its Employees

especially with respect to the False Removal Proceedings.

The Second False Removal Proceedings is continuing even though the Petitioners are not finished with their Legal Rights to Appeals.

The Petitioners sent Faxes and Registered Letters to the U.S. State Department between 2005 to the current date and have never received a response from the U.S. State Department.

The Petitioners sent numerous letters and Faxes to the U.S. Department of Justice from February 28, 2002 to the current date.

The Petitioners have exhausted all Legal Remedies with the entire Administrations, all Legal Recourse here in the United States of America.

On Tuesday, December 4th, 2007 the Petitioners filed a $250,000,000.00 Lawsuit/Complaint against the U.S. Department of Justice, U.S. Citizenship and Immigration, U.S. Homeland Security, Edward Harris, Edward Lepkowitz, Judge William Joseph Martin Jr. and U.S.C.I.S. Miami bearing the Case No. SACV07-1395 DOC (MLGx) in the Case of Anthony Martini and Annette Martini v. U.S. Department of Justice et al. for False Removal Proceedings, Human Rights Abuse, Human Rights Violations, being an accessory to a crime etc. That Lawsuit was quickly dismissed

by Judge David O. Carter denying Trial for the Petitioners who were Plaintiffs.

The Petitioners immediately filed an Appeal at the Ninth Circuit Court of Appeals in San Francisco, California which was quickly dismissed again by Paralegals keeping the Petitioners $455.00 although the Ninth Circuit Court of Appeals told the Petitioner Anthony Martini it was their Jurisdiction to hear the Appeal denying the Petitioners to submit their Brief.

On Monday, March 31, 2008 the Petitioners sent a letter to the "IJ" Judge William Joseph Martin Jr. from the U.S. Immigration Court located in Los Angeles, California to immediately recuse himself from the Petitioners files and case. A copy of that letter was sent to District Counsel/LOS in Los Angeles, California, Assistant Chief Immigration Judge Thomas Y.K. Fong and to U.S. Attorney General Michael Mukasey. The Presiding "IJ" Judge William Joseph Martin Jr. received the letter to recuse himself on April 1, 2008 along with all other parties. The "IJ" to this date has never recused himself.

On March 31, 2008 the "IJ" signed an ORDER and GRANTED the Petitioners' Motion – Motion To Terminate Removal Proceedings in FULL.

In the Petitioners' Motion – Motion To Terminate False Removal Proceedings the

Petitioners Anthony Martini and Annette Martini demanded their immediate American Citizenship and Citizenship for their Four daughters still stranded in Canada because their lives are gravely in danger of being MURDERED.

The Presiding "IJ" also TERMINATED a future Court Date. *See APPENDIX "F" page 15a – 36a.*

According to the "IJ" ORDER the Petitioners suspect was Back Dated on March 31, 2008 to obstruct Justice for the "IJ" not to recuse himself because he had a future PLOT, the "IJ" ORDER gave the Petitioners Anthony Martini and Annette Martini their American Citizenship and their Four Daughters American Citizenship.

On April 25, 2008 an Employee by the name of Ingrid Abrash filed a FRAUDULENT APPEAL to the B.I.A. – Board of Immigration Appeals in Falls Church, Virginia but did not submit any payment for an Appeal. Ms. Ingrid Abrash who is only a Consultant and not a Licensed Attorney in the State of California filed an Appeal at the last minute mentioning a B1 and B2 Visa Form saying that the Petitioners are OVERSTAYS only permitted to stay in the United States for one year.

The Petitioners appeared only on two dates required by the "IJ". The first date appearance being

February 15, 2007 and the second appearance date being June 1, 2007.

On February 15, 2007 the Petitioners were in Court with U.S. Government Attorney Megan Alice Berry Oshiro. On June 1, 2007 the Petitioners were present in Court with the U.S. Government Attorney Edward Lepkowitz. At no time ever did Ms. Ingrid Abrash ever appear in Court in front of the Petitioners.

Furthermore, at no time ever did the U.S. Homeland Security or the U.S. Government Attorneys that appeared in front of the Petitioners in the U.S. Immigration Courts ever discuss or wrote or filed documents about a B1 and a B2 Visa or ever discuss or ever charged the Petitioners as Overstays.

Ms. Ingrid Abrash has fraudulently filed a False Appeal to the B.I.A. to obstruct Justice with full intent and has brought grave DISCREDIT to the U.S. Immigration Courts and to the entire Legal System.

In December 2008 the Petitioners received an ORDER from Paralegals signed by a Paralegal at the B.I.A. which was never heard by a Panel of Three Judges and the Petitioners Response was quickly dismissed. The Order also instructed the U.S. Government Attorneys to ADD additional charges against the Petitioners. *See APPENDIX "E pg. 11a – 14a.*

In January 2009 the Petitioners filed an Appeal from the B.I.A. to the Ninth Circuit Court CONTESTING the FINAL ORDER of the B.I.A. only handled by Paralegals and not a Panel of three Judges.

The Petitioners sent their $450.00 paid by a Money Order CONTESTING the B.I.A. unconstitutional ORDER that ordered the Lower Immigration Courts to start the Removal Proceedings all over again against the Petitioners and THROWING OUT the "IJ" ORDER dated March 31, 2008 that gave the Petitioners and their Four daughters their American Citizenship.

In February 2009 the Ninth Circuit Court of Appeals sent an Order to the Petitioners indicating that the U.S. Court of Appeals for the Ninth Circuit "DOES NOT HAVE JURISDICTION OVER THE B.I.A."

The Order was NOT signed from the Ninth Circuit Court of Appeals and NONE of the Orders have EVER been signed by any Judges from the Ninth Circuit Court of Appeals or ever been heard by Three Judges at the Ninth Circuit. All Appeals from Pro Se are ONLY handled by PARALEGALS and NO Appeals done by Pro Se have EVER been heard by a Panel of Three Judges.

The Petitioner Anthony Martini demanded ORAL ARGUMENTS by PHONE from 2007 to the

current Date before a Panel of Three Judges This was ALWAYS ignored and quickly dismissed, denying the Petitioners to send any BRIEFS of any kind from 2007 to the current date which violates the Petitioners Rights to a Fair Trial and due Legal Process.

On March 23, 2009 the Petitioners filed a Motion demanding their Appeal be re-opened. This was not scheduled to be heard until April 30th, 2009 as the Petitioner Anthony Martini was advised by the Supervisor at the Ninth Circuit Court of Appeals by the name of Susan Valerie Gelmis.

On Wednesday, April 1, 2009 the "IJ" Judge William Joseph Martin Jr. scheduled a Court Date to start False Removal Proceedings all over again which is now "TRIPLE DOUBLE JEOPARDY."

On Tuesday, April 28, 2009 the Petitioners Filed a Motion "MOTION FOR JUDGE WILLIAM JOSEPH MARTIN JR. TO RECUSE HIMSELF FROM RESPONDENTS ANTHONY MARTINI AND ANNETTE MARTINI CASE AND FILES BOTH PRESENT AND FUTURE."

On Monday, June 8th, 2009 the Petitioners filed a Second Motion, "MOTION TO TERMINATE SECOND FALSE REMOVAL PROCEEDINGS." Subpoenas were also filed for the Presiding Judge to SIGN to bring in the two Presidents of the United States to testify on behalf of the Petitioners and

other individuals who all have a SUBPOENA pending waiting for the Presiding Judge's signature.

On June 15, 2009 the "IJ" obstructed Justice by refusing to recuse himself from the Petitioners files and Case. The Petitioners are facing Triple Double Jeopardy and will never get justice before Judge William Joseph Martin Jr.

On June 16, 2009, the Opposition from the U.S. Department of Justice for the Executive Office for Immigration Review sent the Petitioners Motion Back indicating it was not signed but it was signed and everything was in order.

The Petitioners know for a fact that the "IJ" is working hand and hand with the Opposition to OBSTRUCT JUSTICE. The Petitioners cannot and will never get any justice in the U.S. Immigration Court in Los Angeles California while the corruption continues.

On May 8, 2009 the Petitioners received an UNSIGNED ORDER from Paralegals at the Ninth Circuit Court of Appeals dated May 1, 2009 closing the Appeal that was NEVER heard by a Panel of Three Judges without waiting for the Petitioners Brief and an Order that it was FINAL.

The "IJ" Order dated April 1, 2009 ordered the Petitioners to appear in his Immigration Court on July 14, 2009 at 8:30 A.M. signed by the Judge's Secretary Mirabel Garcia, the same person who has

been repeatedly stopping the Petitioners Immigration Clock since 2007 preventing the Petitioners from working for an Employer in the United States.

RELIEF

The Petitioners are demanding and pray that the Application for Stay at the U.S. Supreme Court be accepted and ALL False Removal Proceedings and Removal Proceedings in U.S. Immigration Court in Los Angeles, California be immediately and permanently stopped for all involved are a Grave DISCREDIT to the Immigration Courts, Courts and Legal System and all have obstructed Justice.

The Petitioners are demanding that the United States of America compensate the Petitioners for seven years of Human Rights Abuse that was caused by the United States Government and all its Federal Agencies. The Compensation in the form of money.

The Petitioners are demanding a Public and Written Apology from the President of the United States of America and from the U.S. Attorney General.

The Petitioners are demanding that the U.S. Attorney General and the F.B.I. – Federal Bureau of Investigations conduct a Full Public Inquiry as to who initiated the False Removal Proceedings and

who participated with the False Removal Proceedings and immediately Arrest all involved.

The Petitioners Anthony Martini and Annette Martini are demanding that their American Citizenship that was GRANTED by "IJ" Judge William Joseph Martin Jr. on March 31, 2008 be UPHELD by the U.S. Supreme Court and that the Petitioners immediately receive their CERTIFICATE for their U.S. Citizenship.

The Petitioners are demanding American Citizenship for their four daughters that was GRANTED by the "IJ" Judge William Joseph Martin Jr., on March 31, 2008 be UPHELD by the U.S. Supreme Court and that the Petitioners' four daughters immediately receive their CERTIFICATE for their U.S. Citizenship.

The Petitioners are demanding that the U.S. Supreme Court put an immediate HALT to any Legal Political Refugee that are in Removal Proceedings.

CONCLUSION

The Petitioner Anthony Martini was Politically Persecuted and Physically Tortured for over 25 years by the Canadian Government, Politicians and Canadian Police Agencies receiving

numerous Contracts and numerous Murder Attempts on his Life.

The Petitioner Anthony Martini legally married his wife the Petitioner Annette Martini and for that the Canadian Government and Canadian Police Agencies PERSECUTED the Petitioner Annette Martini.

In late 2001 the Petitioners had no choice except to voluntarily surrender their Canadian Citizenship and all rights to be a Canadian.

The Petitioner Anthony Martini had his Passport stolen by the R.C.M.P. around 1985 and was denied a new passport year after year. The Petitioner Annette Martini does not possess an active Canadian Passport.

The Petitioners sent Emergency Faxes on February 28, 2002 to Mid July 2002 to President George W. Bush and to U.S. Attorney General John Ashcroft asking for a Green Light to Legally enter the United States and supplied Classified Evidence to prove their claim. The Petitioners were given a Green Light and Permission to Legally enter the United States of America.

The Green Light and the Manner of Entry was UNOPPOSED by the White House, the U.S. Department of Justice, President George W. Bush, U.S. Attorney General John Ashcroft, the Former

I.N.S., the Director of the INS, the Border Agents at Plattsburgh, New York.

The White House, President George W. Bush, the U.S. Department of Justice, the U.S. Attorney General John Ashcroft, the Director of the INS Commissioner Zigler, the Border Patrol including Supervisor Hodgekins all had FULL KNOWLEDGE of the Date of Entry, the Port of Entry and it was ALWAYS UNCONTESTED.

On Wednesday, July 24, 2002 the Petitioners Anthony Martini and Annette Martini WERE inspected between 11:30 and 11:35 A.M. and WERE immediately admitted into the United States of America through the Port of Entry of Plattsburgh, New York.

The Petitioners sent another Emergency Fax on Wednesday, July 24, 2002 from Plattsburgh, New York from Staples Store to President George W. Bush at the White House and the U.S. Attorney General John Ashcroft at the D.O.J. – U.S. Department of Justice giving the Motel name, the Motel address, the Room Number, the Color of the Petitioners Car, the license plate and the make and the year of the car.

Since the Petitioners made themselves available before they Legally entered the United States and after they Legally entered on July 24, 2002 than the Petitioners can never be charged with

any BOGUS Immigration violations or Immigration violations because the Petitioners have NEVER broken any American Laws or any U.S. Immigration Laws.

The Petitioners were left STATELESS from July 24, 2002 to the current Date which is in violations of the United Nations Laws and International Laws. The White House, President George W. Bush, the U.S. Department of Justice, the U.S. Attorney General John Ashcroft, the former INS, the U.S.C.I.S., the Secretaries of U.S. Homeland Security and the Secretaries of the U.S. State Department all KNEW of Human Rights Abuse, Human Suffering against Political Refugees, Political Torture and Political Persecution against the Petitioners and knew a crime is being committed but all looked the other way obstructing Justice bringing GRAVE DISCREDIT to the entire Legal System and Political Arena.

The Petitioners were DENIED the bare necessities of life which is water, food, shelter, clothing, money and medical treatments according to the United Nations pertaining to Political Refugees and were FORCED to SLEEP in their CAR in the dangerous streets of the United States from July 24, 2002 to late October 2006 left STATELESS, HOMELESS and have been in FALSE REMOVAL PROCEEDINGS since November 2006 but the Petitioners never broke any United States Laws

whether it is Federal, State, County or City Laws of any kind and never ever broke any U.S. Immigration Laws from July 24, 2002 to the current Date.

The Petitioner Annette Martini was PREGNANT in 2003 and because the Petitioner Annette Martini was living in a constant state of anxiety, fear and insecurity caused by the United States and all its Federal Agencies leaving them homeless without the bare necessities of life lost her baby having a miscarriage on the street being refused emergency medical treatment from the Sarasota Memorial Hospital holding the remains of her unborn child in her hands, crying.

The United States of America had the Legal Duty and Legal Obligation to protect the Petitioners to supply the bare necessities of life to the Petitioners who are Political Refugees according to the United Nations Laws pertaining to Political Refugees.

The Petitioners came in the RIGHT WAY, the HONEST WAY, the LEGAL WAY like thousands of other Political Refugees and the payment for their Honesty and their suffering is a ONE WAY TICKET to their EXECUTION.

The Petitioners have been a PRISONER of the United States of America from July 24, 2002 to the current date having NO PASSPORTS, NO TRAVEL DOCUMENTS issued by the U.S. State Department

or by the U.S. Homeland Security. Even if the Petitioners were rich tomorrow the Petitioners could NEVER Travel outside the United States because the U.S. Homeland Security and the U.S. State Department will NOT issue TRAVEL DOCUMENTS to the Petitioners who cannot leave the United States because a Passport is required to travel outside the United States of America. According to the United Nations the State referring to the Country MUST issue a TRAVEL DOCUMENT to Political Refugees who do not possess any passport from any Country.

The Petitioners are challenging the United States of America and the United States Federal Government Agencies with respect to all Human Rights Abuse, Human Rights Violation, Political Torture, Political Persecution against the Petitioners Anthony Martini and Annette Martini and that the Government Employees have placed LIES in the Petitioners Files bringing Grave Discredit to the Immigration Courts and the entire Legal System.

The Petitioners Anthony Martini and Annette Martini have EXHAUSTED all Administration and Legal Means.

The Petitioners Anthony Martini and Annette Martini **"WRIT OF CERTIORARI" should be granted.**

Respectfully Submitted,

Anthony Martini Monday June 22, 2009

ANTHONY MARTINI **DATE**

Annette Martini Monday, June 22, 2009

ANNETTE MARTINI **DATE**

APPENDIX

APPENDIX A

APPENDIX A – PER MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT FOR THE NINTH CIRCUIT FILED

MAY 19, 2009

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 08-75214

Agency No. A096-270-793

A096-270-794

ANTHONY MARTINI and ANNETTE MARTINI,

Petitioners,

versus

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Appeal from the B.I.A. – Board of Immigration Appeals

(May 1, 2009)

Before KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

Petitioners "motion to reinstate case" is construed as a motion for reconsideration of this

court's February 25, 2009 order dismissing this petition for review for lack of jurisdiction. So construed, the motion is denied. **See 9th Cir. R.** 27-10.

No further filings shall be accepted in this closed case.

/unsigned/

MF/Pro Se

APPENDIX B

APPENDIX B – NOTICE OF HEARING IN
REMOVAL PROCEEDINGS
IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FL.
LOS ANGELES, CA 90014

LEAD FILE: 096-270-793

RE: 096-270-793 MARTINI, ANTHONY JAMES

096-270-794 MARTINI, ANNETTE

DATE: April 1, 2009

TO: MARTINI, ANTHONY JAMES

2549 EASTBLUFF DR., SUITE 275

NEWPORT BEACH, CA 92660

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on July 14, 2009 at 08:30 A.M. at:

606 SOUTH OLIVE ST., 17TH FL.
COURTROOM T

LOS ANGELES, CA 90014

APPENDIX B

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240 (b) (5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION

APPENDIX B

COURT LOS ANGELES, CA THE ATTACHED FORM EOIR-33, WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

APPENDIX B

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVICED BY: MAIL /circled (M)/ PERSONAL SERVICE (P)

TO: /initial unreadable / ( ) ALIEN / ALIEN C/O Custodial Officer [ ] ALLIEN's ATT/REP [ ] DHS

DATE: 4/1/09 BY: COURT STAFF

/S/ MARBIEL GARCIA

Attachments: /initial unreadable/ EOIR-33 ( ) EOIR- 26 [ ] Legal Services List [ ] Other T3

APPENDIX C

APPENDIX C – PER ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT FOR THE NINTH CIRCUIT FILED

FEB 25, 2009

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 08-75214

Agency No. A096-270-793

A096-270-794

ANTHONY JAMES MARTINI and ANNETTE MARTINI,

Petitioners,

versus

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Appeal from the B.I.A. – Board of Immigration Appeals

(FEB 25, 2009)

APPENDIX C

Before KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this petition for review because petitioners are not challenging a final order of removal issued by the Board of Immigration Appeals. See Lopez-Ruiz v. Ashcroft, 298 F.3d 886, 887 (9th Cir. 2002) (court of appeals has jurisdiction to review only final orders of the BIA in removal proceedings). Consequently, this petition for review is dismissed for lack of jurisdiction.

All pending motions are denied as moot. The temporary stay of removal confirmed by the Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

/unsigned/

MF/Pro Se

APPENDIX D

APPENDIX D – PER ORDER BOARD OF IMMIGRATION APPEALS FILED

11/25/2008

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

MARTINI, ANTHONY JAMES
2549 EASTBLUFF DR. SUITE 274
NEWPORT BEACH, CA 92660-0000

Office of the District Counsel/LOS
606 S. Olive Street,
8th Floor Los Angeles, CA 90014

Name: MARTINI, ANTHONY JAMES A096-270-793 Riders: 096-270-794

Date of this notice: 11/26/2008

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

APPENDIX D

/s/ Donna Carr//

Donna Car
Chief Clerk

Enclosure

Panel Members: Grant, Edward R.

Malphrus, Garry D.

Mullane, Hugh G.

/s/ (unreadable)

APPENDIX E

APPENDIX E – PER ORDER BOARD OF IMMIGRATION APPEALS FILED

11/26/2008

U.S. Department of Justice

Executive Office for Immigration Review Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

Files: A096 270 793 – Los Angeles, CA
A096 270 794

Date: /Nov 26 2008

In re: ANTHONY JAMES MARTINI
ANNETTE MARTINI

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENTS: Pro se

ON BEHALF OF DHS: Ingrid Abrash

Senior Attorney

APPENDIX E

CHARGE:

Notice: Sec. 212(a)6(A)(i), I&N Act [8 U.S.C. § 1182 (a)(6)(A)(i) – Present without being admitted or paroled.

APPLICIATION: Termination, remand

The Department of Homeland Security (DHS) appeals the Immigration Judge's March 31, 2008, decision to terminate proceedings in this case. The respondents have filed an opposition. The appeal will be sustained.

The Immigration Judge terminated proceedings in this case simultaneously cancelled a scheduled merits hearing. The DHS argues that the Immigration Judge terminated proceedings without "receiv[ing] evidence as to any unresolved issues" and that this action did not conform to the procedural guidelines set forth in 8 C.F.R. § 1240.10(D). We agree, The evidence before the Immigration Judge on the date of termination of proceedings was incomplete because the Immigration Judge's previous scheduling of a merits hearing clearly implied that there would be further opportunities for development of the evidence and presentation of further arguments. *See* TR. At 92-95. Thus, while an Immigration Judge has the authority to rule on contested issues at any point in the

proceedings, we agree with the DHS that in this case the Immigration Judge's ruling was premature.

As an additional reason why the Immigration Judge should not have ruled without further notice or hearing, we point out the credibility of the respondents is extremely suspect. For example, one of the respondents claimed that they were given a "green light" by the highest levels of the United States government to enter the United States, and that the President of the United States had

Known about them before their entry. *See* TR. At 77. This claim, and other implausible assertions made by the respondents, were not supported by any credible evidence. In light of the significant lack of plausibility relating to major aspects of the respondents' claim, it is not clear why the Immigration Judge credited their uncorroborated description of how they entered the United States.

For the foregoing reasons the Immigration Judge's decision will be reversed and proceedings will be reopened. Upon remand, the Immigration Judge shall allow the parties an opportunity to present further evidence and shall allow the DHS an opportunity to lodge an additional charge or charges of removability. Further, the Immigration Judge should determine if the respondents have a rational

APPENDIX E

and factual understanding of the removal proceedings and otherwise ensure that the respondents or a representative are capable of contesting the current or lodged removal charges and filings for any appropriate relief. See e.g. 8 C.F.R. § 1240.4.

ORDER: The DHS's appeal is sustained.

FURTHER ORDER: The Immigration Judge's order dated March 31, 2008 is hereby vacated.

FURTHER ORDER: Proceedings in this case are reopened and the record is remanded for the further proceedings and the entry of a new decision.

MARTINI, ANTHONY JAMES
2549 EASTBLUFF DR. SUITE 274
NEWPORT BEACH, CA 92660-0000

APPENDIX F

APPENDIX E – PER ORDER IMMIGRATION JUDGE, JUDGE WILLIAM JOSPEH MARTIN JR.
FILED

Mar 31, 2008

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FL.
LOS ANGELES, CA 90014

MARTINI, ANTHONY JAMES
2549 EASTBLUFF DR., SUITE 274
NEWPORT BEACH, CA 92660

IN THE MATTER OF FILE A 96-270-793/794

DATE: Mar 31, 2008

MARTINI, ANTHONY JAMES
MARTINI, ANNETTE

__ UNABLE TO FORWARD - NO ADDRESS PROVIDED

APPENDIX F

X ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILLED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO: BOARD OF IMMIGRATION APPEALS

OFFICE OF THE CLERK

P.O. BOX 8530

FALLS CHURCH, VA 22041

___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B (c) (3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B (c) (3) IN DEPORTATION PROCEEDINGS OR SECTION 240 (c)((6), 8 U.S.C. SECTION 1229a (c) (6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT.

APPENDIX F

IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FL.
LOS ANGELES, CA 90014

___ **OTHER:** _____

_____

/S/ Maribel Garcia

COURT CLERK

IMMIGRATION COURT
FF

CC: BERRY OSHIRO, MEGAN, ESQ.
606 S. OLIVE ST., 8TH FLOOR
LOS ANGELES, CA 900140000

APPENDIX F

APPENDIX F – PER ORDER IMMIGRATION JUDGE, JUDGE WILLIAM JOSPEH MARTIN JR. FILED

Mar 31, 2008

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FL.
LOS ANGELES, CA 90014

File Nos:	A 96 270 793	)
	A 96 270 794	)
		)
In the Matters of:		) IN REMOVAL
		) ROCEEDINGS
MARTINI, Anthony		)
MARTINI, Annette		)
Respondents.		)

APPENDIX F

CHARGES: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("Act") – *Present in the United States without being admitted or paroled.*

APPLICATION: Motion to Terminate.

ON BEHALF OF RESPONDENT:

In Pro Se

2549 Eastbluff Dr, Suite 274
Newport Beach, California 92660

ON BEHALF OF THE GOVERNMENT:

Assistant Chief Counsel
Department of Homeland Security
606 South Olive Street, 8th Floor
Los Angeles, California 90014

DECISION AND ORDER OF THE IMMIGRATION JUDGE

APPENDIX F

1. Procedural History

Respondent Anthony Martini ("Male Respondent") filed an Application for Asylum and Withholding of Removal ("Form I-589") on December 11, 2002, listing Respondent Annette Martini ("Female Respondent") as his wife, and a derivative beneficiary of his application for asylum. On November 6, 2006, the Government served each Respondent with a Notice to Appear ("NTA") by regular mail. *See* Exhs. 1a, 1b. The NTAs were filed with the Orlando, Florida Immigration Court on November 14, 2006. In the NTAs, the Government alleged that Respondents, both natives and citizens of Canada, entered the United States at or near an unknown place on or about July 24, 2002, without being admitted or paroled by an immigration officer. Accordingly, the Government charged Respondents with inadmissibility pursuant to section 212(a)(6)(A)(i) of the Act.

Respondents filed a Motion to Change Venue with the Orlando Immigration Court. On January 5, 2007, the Immigration Judge in Orlando, Florida granted a change of venue to the Los Angeles, California Immigration Court. On January 23, 2007, this Court mailed Respondents Notices of Hearing, scheduling a hearing for February 15, 2007.

APPENDIX F

On February 8, 2007, Respondents filed a Motion to Terminate proceedings. This Motion recounts alleged threats and persecution that Respondents received while living in Canada. Respondents also claim that they were in contact with U.S. officials, and that their entry into the United States was authorized. See Respondents' Motion to Terminate, pg. 52-62. Respondents allege that they sent letters and faxes to George W. Bush and John Ashcroft, to get the "green light" to enter the United States. They claim that in July 2002, a supervisor at the port-of-entry into the United States at Plattsburgh, New York gave them asylum applications and photocopied their drivers' licenses. They claim that they returned to the border crossing in Plattsburgh, New York, on July 24, 2002, and were inspected at the U.S. border by the same border agent, who knew that they were applying for asylum. See id at pgs 59-60; 106. Respondents claim that they legally entered on July 24, 2002, with permission from President George W. Bush. See id. at pg. 117.

Respondents appeared before the Court without counsel on February 15, 2007. After being advised of their rights. Respondents indicated that they wish to represent themselves. Male Respondent admitted that he was a not native or citizen of the United States, and admitted that he entered the United States on or about July 24, 2002. Male Respondent denied the

remaining factual allegations and denied the charge of inadmissibility. Male Respondent indicated that on July 24, 2002, he entered the United States after inspection at Plattsburgh, New York. Male Respondent indicated he is a native of Italy, but grew up in Canada.

Female Respondent admitted that she was not a native and citizen of the United States, and admitted that she was a native of Canada, but denied that she was a citizen of Canada. She claims that she renounced her citizenship. Female Respondent admitted that she entered the United States on July 24, 2002, at Plattsburgh, New York. Female Respondent denied the allegation that she was not inspected, and denied the charge of inadmissibility.

On May 14, 2007, Respondents submitted a supplemental filing, including additional documents in support of the Motion to Terminate.

On June 1, 2007, Respondents appeared before the Court without counsel. The Government personally served Respondents with Additional Charges of Inadmissibility/Deportability ("Form I-221"). See Exhs. 2a, 2b. In the Forms I-221, the Government alleged that Respondents entered the United States at or near Plattsburgh, New York, on or about July 24, 2002. The Court advised Respondents about their right to retain counsel.

APPENDIX F

Respondents both admitted that they entered the United States at or near Plattsburgh, New York, on or about July 24, 2002. Respondents maintained that they entered after being admitted and inspected by an immigration officer.

At this hearing, the Government argued that alienage is established, as Respondents admitted they were not citizens and natives of the United States. The Government requested that Respondents present passports, and argued that no entry into the United States had been established. Respondents stated that they were both Canadian Citizens, and therefore they were not required to present a passport upon entry into the United States. They also claim that prior to their entry into the United States, they voluntarily renounced their Canadian Citizenship by sending a letter to the former Prime Minister of Canada and the Ministry of Justice. They also sent letters to George W. Bush and former Attorney General John Ashcroft. Respondents stated that when they entered the United States on July 24, 2002, they presented their Canadian driver's licenses, but did not present a passport or a visa of any kind.

As the Government was preparing to question Respondents on their manner of entry, Male Respondent objected, arguing that their Motion to Terminate must be granted because 8 C.F.R.

APPENDIX F

§§ 3.13 and 3.30 require the opposing party to file an opposition within 10 days, and that because the Government failed to do so, their Motion is deemed unopposed. The Court overruled the objection. In response to the Government's questions, Male Respondent indicated that he did not receive a visa when he entered the United States. Male Respondent did not request permission to extend his stay in the United States. Male Respondent indicated that there is no time frame for how long he was admitted to the United States, as a visitor from Canada. He claims that he was never told to leave. Male Respondent does not claim that he is a U.S. citizen, nor does he claim that he was born in the United States. He has filed an asylum application and requested employment authorization.

Female Respondent stated that she was born in Canada, and was a citizen of Canada. She indicated that she surrendered her Canadian citizenship by sending a letter to the former prime minister. She indicated that when she entered the United States on July 24, 2002, she presented a driver's license to the immigration official, but that this was the only document she presented. She has not ever sought permission to extend her stay because she did not think she was required to do so. She does not claim that she was born in the United States, or that she is a citizen of the United States.

APPENDIX F

Male Respondent renewed Respondents' Motion to Terminate. The Court indicated that the Court was willing to continue the proceedings so that Respondents could retain counsel. Male Respondent indicated that he tried to get an attorney, but that he could not afford an attorney. Female Respondent explained that the charge in the NTA is a false charge. Female Respondent claims that Respondents submitted letters to the President of the United States and others, such that the U.S. Government was on notice that Respondents were coming to the United States, and their entry was authorized. Male Respondent indicated that his Canadian passport was stolen in January 1985, and that he surrendered his Italian citizenship while in the Canadian Armed Forced. Female Respondent testified that she thinks her Canadian passport is invalid because it is expired. She does not think that she has her Canadian passport.

Respondents declined to designate a country of removal. The Government requested that the Court direct Canada. The Court directed Canada as the country of removal, should removal become necessary.

Respondents filed an interlocutory appeal with the Board of Immigration Appeals ("Board"), arguing against the institution of removal proceedings and arguing that the Immigration Court had treated them unfairly on June 1, 2007.

APPENDIX F

On July 31, 2007, the Board indicated that the issues presented by Respondents did not meet the stringent criteria for interlocutory review, and returned the record to the Immigration Judge.

The evidentiary portion of the removability phase of proceedings has been closed. The Court finds that no further evidence is required of either party to decide the issue of alleged entry. Both parties have exhausted their resources of available evidence regarding this issue.

For the following reasons, Respondents' Motion to Terminate is GRANTED.

II. Law & Analysis

Respondents move to terminate proceedings on the basis that they are not removable as charged. The Government charged Respondents with inadmissibility pursuant to section 212(a)(6)(A)(i) of the Act, as aliens present without being admitted or paroled. In a removal proceeding, the Government has the initial burden of proving alienage by "clear, convincing, and unequivocal evidence." See 8 C.F.R. § 240.24(a); Lopez-Chavez v. I.N.S. 259 F.3d 1176, 1181 (9th Cir. 2001). "Alien" is defined as "any person not a citizen or national of the United States." INA

APPENDIX F

101(a)(3). Once established, Respondents bear the burden of establishing by clear and convincing evidence that they are lawfully present in the United States pursuant to a prior admission. See INA § 240(c)(2)(B). As the Ninth Circuit explained in Lopez-Chavez.

Once the INS proves alienage, the burden shifts to the alien to prove the time, place and manner of his entry into the United States. 8 U.S.C. § 1361 (1966); Murphy [v. INS], 54 F.3d [605, 608 (9th Cir. 1995)]. If the alien fails to meet this burden, he is presumed to be in the United States in violation of the law and deportable. Iran v. INS, 656 F.2d 469, 471 (9th Cir. 1981).

Lopez-Chavez v. INS, 259 F.3d at 1181; see also Matter of Cervantes-Torres, 21 1. & N. Dec. 351, 354 (BIA 1996.)

Respondents claim that they were lawfully admitted by an immigration officer at an authorized port of entry. The Government argues that because Respondents have admitted that they are not natives or citizens of the United States, section 291 of the Act applies. Section 291 of the Act states (emphasis added):

APPENDIX F

Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not inadmissible under any provision of this Act, and, if an alien, that he is entitled to the nonimmigrant, immigrant, special immigrant, immediate relative, or refugee status claimed, as the case may be. If such person fails to establish to the satisfaction of the consular officer that he is eligible to receive a visa or other document required for entry, no visa or other document required for entry shall be issued to such person, nor shall such person be admitted to the United States unless he establishes to the satisfaction of the Attorney General that he is not inadmissible under any provision of this Act. In any removal proceedings under chapter 4 against any person, the burden of proof shall be upon such person to show the time, place, and manner of his entry into the United States, but in presenting such proof he shall be entitled to production of his visa or other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry in the custody of the Service. If such burden of proof is not sustained, such person shall be presumed to be in the United States in violation of the law.

APPENDIX F

At a hearing before the Court on February 15, 2007, both Respondents admitted they are not natives or citizens of the United States. Male Respondent admitted that he was born in Italy, but grew up in Canada, and also argues that he renounced his Canadian citizenship. Male Respondent's Form I-589 indicates he was born in Italy, and lists his "Present Nationality (Citizenship) "as "Canadian," but also includes a hand-written note that says "renounced." At the hearing on February 15, 2007, Female Respondent admitted that she was a native of Canada, but is not a citizen of Canada because she renounced her citizenship. Male Respondent's Form I-589 indicates that Female Respondent was born in Canada, and lists her "Present Nationality (Citizenship)" as "Canadian," but also includes a hand-written note that says "renounced." Both Respondents also submitted a copy of an Application for Employment Authorization ("Form I-765"), stating that they are both citizens of Canada, and that Male Respondent was born in Italy, but Female Respondent was born in Canada. See Motion to Terminate, Subexhibits T, U.

While Respondents' present citizenship status is unclear, [1] the Court finds that the Government has met its burden of establishing that Respondents are not natives or citizens of the United States. Both Respondents testified that they are not claiming U.S. citizenship.

APPENDIX F

[1] The Court notes that in certain documents submitted by Respondents, they assert that they are Canadian citizens. Respondents claim that they have renounced their Canadian citizenship. In Canada, renouncement appears to be a formal process, initiated by filing a form with the Canadian government. See http://www.cicgc.ca/EnGLIsh/pdf/kits/citizen/CIT0302F.pdf . The instructions for this form explain. "To renounce your Canadian citizenship you must prove you are a Canadian citizen. You must also prove that you are, or will become, a citizen of a country other than Canada, if this application to renounce is approved." See http://www.cicgc.ca/ENGLISH/information/applications/ renounce.asp. There is no evidence that Respondents followed these formal procedures. The Court makes no finding that this is the sole procedure under Canadian law for renouncement. Ultimately, the Court finds that this issue is irrelevant to the issue of alienage __ whether or not Respondents properly renounced their Canadian citizenship, Respondents are not natives of the United States.

Furthermore, the fact that Male Respondent submitted an application for asylum, and both Respondents submitted applications for work

authorization, buttresses the conclusion that they are not U.S. natives or citizens. See Matter of Cervantes-Torres, 21 I. & N. Dec. at 354 (finding that the fact that respondent applied for work authorization, an act he did willfully, buttressed the IJ's conclusion that the respondent was not a native or citizen of the United States0. In this case, Respondents' admission and the Form I-589 established that Respondents are not citizens or natives of the United States. Thus, the Government has met its burden of proving alienage.

Nonetheless, Respondents contend that proceedings must be terminated because they are nor present in the United States without inspection and admission, as charged. Respondents contend that they entered the United States at Plattsburgh, New York, on July 24, 2002, after inspection by an immigration officer. As noted, Respondents bear the burden of proving time, place, and manner of entry. See INA §§ 291, 240(c)2(B). For example, in Matter of Jolley, 13 I. & N. Dec. 543, 546 (BIA 1970), the Board found that a respondent, who had formally renounced his U.S. citizenship in Canada, was therefore an alien, and failed to meet his burden of showing time, place, and manner of entry into the United States, because he presented no evidence to show that he entered the United States and was "in possession of an immigrant visa or any document in lieu thereof."

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In this case, Respondents claim, in their Motion to Terminate, that on Wednesday, July 24, 2002, they drove to the U.S. border in Plattsburgh, New York, and were inspected at the U.S. border by a border patrol agent, who had full disclosure that Respondents were coming to the United States to seek asylum. See Motion to Terminate, pgs 59-60. Respondents also argue that the supervisor at the boarder "WAS fully aware THAT THE DEFENDANTS Anthony Martini and Annette Martini RECEIVED the 'GREEN LIGHT' from the White House and from the DOJ." See id, at pg. 60. Respondents also argue that they entered the United States legally on July 24, 2002, with permission from President George W. Bush President of the United States of America," to seek asylum. *See* id, at pg. 117. Male Respondent's Form I-589 indicates that his status when he entered the United States on July 24, 2002, was "visiting." Female Respondent listed her status when last admitted on July 24, 2002, as "none." Respondents have presented no documentation of their July 24, 2002, entry.

In general, the law is broad with regard to the necessary procedure to constitute a lawful admission. Section 101(a)(13)(A) of the Acts states: "The terms 'admission' and 'admitted' mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." In matter of Areguillin, 17 I. & N. Dec. 308 (BIA 1980) THE Board held that "admission" occurs when an immigration inspector

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communicates to the alien seeking entry that he or she is not inadmissible, and that this "communication" has taken place when the inspector permits the applicant to pass through a port of entry. Id. at 310 n. 6. The respondent in Areguillin presented the following account of her entry into the United States, which the Board found, if credible constituted an admission into the United States:

> The respondent testified that she crossed the Mexican-United States boarder in a car with two couples and another woman. She had no travel documents in her possession at the time. The Respondent stated that the immigration officer at the port of entry looked inside the car, asked the driver a question, then permitted the car and its occupants to proceed into the United States. She testified that she personally was asked no questions by the immigration officer; she apparently volunteered no information.

17 I. & N. Dec. at 309. The Board, noting that the burden was on the respondent to prove the facts as alleged were true, held that if credible, this account was legally sufficient "inspection and admission." Id at 310.

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The regulations provide that an arriving nonimmigrant alien seeking admission is required to present a valid unexpired visa and an unexpired passport, except that Canadian citizens, arriving by land or sea, are not required to present either a visa or passport. See 8 C.F.R. § 212.1 (2002). In 2002, 8 C.F.R. § 212.1 provided, generally, that an alien seeking admission must present a valid, unexpired visa and an unexpired passport for entry into the United States. However, 8 C.F.R. § 212.1(a) provided the following exception to this general rule:

> Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands. A visa is not required of a Canadian national in any case. A passport is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere. [...]

8 CFR § 212.1(a) (2002). See also 22 C.F.R. § 41.2 (2002).[2]

The Court finds that Respondents' claimed manner of entry constitutes a lawful admission into the United States in 2002. As Canadian citizens, they merely had to

show their Canadian driver's licenses to enter by land in New York. The Court finds no authority suggesting that such an entry would result in any receipt documenting this entry, such as an entry stamp in a passport. As such, the failure to present any such evidence cannot be held against Respondents, as it is unlikely that any physical evidence exists. The Court finds that in light of the minimal documentation required of Canadians seeking entry into the United States in 2002, Respondents need provide less evidence to prove time, place, and manner of entry than would

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[2] 8 C.F.R. § 41.2 (2002) stated as follows:

Pursuant to the authority of Secretary of State and the Attorney General under INA 212(d)(4), the passport and/or visa requirements of INA 212(a)(7)(B)(i)(II)are waived as specified below for the following categories of nonimmigrants:

(a) Canadian nationals. A passport is not required except after a visit outside the Western Hemisphere. A visa is not required.

Otherwise be required of an alien in Respondents' position. Respondents have provided written affidavits attesting to assertions testified to in Court

under oath. Their testimony regarding their matter of entry is consistent with their affidavits. Applying the prevailinglaw of the Ninth Circuit, the Court finds Respondents' testimony to be credible regarding their manner of entry.

The Court also finds that Respondents have met their burden of establishing time, place, and manner of entry. As such, the Court finds that Respondents are not present in the United States without admission, and this proceeding must be terminated.

Accordingly, the following order will be entered:

ORDER

IT IS ORDERED that Respondents' Motion to Terminate be **GRANTED**.

IT IS FURTHER ORDERED that this matter be **TERMINATED.**

IT IS FURTHER ORDERED that the hearing date of May 7, 2008 at 1:00 p.m., be **CANCELLED.**

DATE: MAR 31 2008

/S/

William J. Martin

Immigration Judge